



DISSOLUTION, LEGAL SEPARATION OR NULLITY PACKET (STEP 1)

FILING FEE	<p>\$395.00 - Acceptable payment types: Check, Cash, Cashier's Check, Money Order and Credit Card (<i>Visa, Mastercard, American Express</i>)</p> <p>If you are unable to pay the filing fee, you may request a waiver of the fee by completing and filing the following forms:</p> <p>FW-001 – Request to Waive Court Fees</p> <p>FW-003 – Order on Court Fee Waiver</p> <p>Fee Waiver packets are available upon request.</p>
FORMS	<p>FL-110 – Summons (Family Law)</p> <p>FL-100 – Petition for Dissolution of Marriage, Legal Separation or Nullity</p> <p>FL-105 – Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (<i>Complete only if there are minor children</i>)</p>
COPIES	<p>Make <u>two (2) copies</u> of each of the above forms after you complete them (front & back).</p>
FILING	<p>All forms must be typewritten or printed in blue or black ink. (California Rules of Court, Rule 2.106.)</p> <p>Bring completed forms and copies to <u>3341 Power Inn Road, Sacramento, CA 95826</u> and obtain a number from the Information Booth in order to file your documents in person.</p>
NOTE	<p>A hearing date will not be scheduled by filing these documents with the court.</p> <p>To schedule a workshop appointment contact the Self Help Center located at <u>3341 Power Inn Road, Sacramento, CA 95826</u>. You must obtain a number from the Information Booth to obtain their services.</p> <p>Information may also be obtained at the Sacramento County Superior Court web site: www.saccourt.ca.gov or the Judicial Council web site: www.courtinfo.ca.gov</p>



HOW TO START A DISSOLUTION, LEGAL SEPARATION OR NULLITY CASE

Purpose of the Packet

This packet is step 1 and will help you open a court case to end your marriage through a divorce (dissolution), or annulment (nullity), or for you to become legally separated. Step 2 of the process requires you to serve your spouse and to complete financial disclosures. You will be provided with the step 2 packet upon opening your case. There are several ways to obtain a judgment depending on what happens after you file and serve the first papers. There are self-help packets available to assist you in completing your case. This is a very complex area of law, and you may want to seek help from a private attorney or visit the Self Help Center for guidance before choosing which method to use to complete your case.

The Purpose of the Case

There are three types of marital actions: Dissolution of Marriage, Legal Separation and Nullity.

1. Dissolution of Marriage

A Dissolution of Marriage (divorce) ends the marriage of the spouses and resolves issues between them, including child custody, visitation, child support, spousal support, asset and debt division, former name restoration and even restraining orders.

2. Legal Separation

A Legal Separation case is like a Dissolution of Marriage in terms of the range of issues that are resolved in the case, but is different in that the parties remain married to each other.

3. Nullity

A Nullity case is more commonly known as an annulment of marriage. Once the Court grants a nullity, the marriage ends and it is as if the parties were never married. A nullity will only be granted on one of the following grounds:

- a. Incest: This means the spouses are close blood relatives, such as siblings.
- b. Bigamy: This means a spouse was married to another person at the time of marriage.



- c. Underage: This means a spouse was below age 18 at the time of marriage and did not obtain parental consent and a court order permitting the marriage.
- d. Prior Existing Marriage: This marriage means a spouse married on the mistaken belief that his or her previous marriage had ended in the death of the other spouse, who in fact was still living.
- e. Unsound Mind: This means a spouse could not and has not formed the intent to marry due to a mental condition., These grounds may not be used if the party of unsound mind, after coming to reason, freely cohabitated with the other party as husband and wife.
- f. Fraud: This means deception regarding a significant matter that led to the marriage and continued until the breakup (you were tricked into marrying your spouse).
- g. Force: This means threats or acts of harm were used to force one or both spouses into the marriage.
- h. Physical Incapacity: This means a spouse was and continues to be physically unable to consummate the marriage.

No matter which of these three case types you want to start, the same forms are used.

Getting Started

Before completing the forms, there are two (2) issues to be considered:

1. Starting Your Case in the Proper Place

You need to be sure that you start your case in the correct county and state. A dissolution action may be started in this county if one or both spouses have resided in this county for at least the last 3 months and in the state of California for at least the last 6 months. Cases involving legal separation or nullity have less strict residency requirements. For legal separation or nullity cases, one or both spouses need only be a resident of this county at the time this case is started. If you want a divorce, but neither spouse meets the residency requirements yet, you can start a Legal Separation and amend your Petition to request a Dissolution of Marriage once you meet the residency requirements and before the judgment has been entered.

In addition to the residency requirements, there are some rules to consider if your spouse resides outside California. Specifically, a spouse who lives in another state or country can object to jurisdiction in California. In that event, this court may be prevented from making important orders in your case. You may want to seek legal advice about how to proceed if your spouse lives outside California.



2. Avoiding Multiple Case Filings

If either you or your spouse has previously filed a case for this relationship, you may want to consult an attorney or visit the Self Help Center to see if it is appropriate for you to proceed with a new case.

Completing the Initial Forms

To get started, you will need the following forms:

- Summons, form FL-110
- Petition, form FL-100
- Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (if there are minor children of the marriage), form FL-105

You will find the name of these and other documents at the bottom center of the document and the form number in the upper right hand corner of the document.

Parties To The Case

PETITIONER: You are filing the first document in the case, which is called the “Petition.” Therefore, you will be called the Petitioner. You will remain the Petitioner for the remainder of the case.

RESPONDENT: Your spouse will be called the Respondent (even if they choose not to file a Response). They will remain the Respondent for the remainder of the case.

Completing the Summons, form FL-110

At the top of the page, print the full name (first, middle, and last name) of your spouse next to the words “Notice to Respondent.”

Below that, print your full name next to the words “Petitioner’s Name Is.”

Item 1. The name and address of the court may already appear here. If not, please print the following information:

**County of Sacramento
3341 Power Inn Road
Sacramento, CA 95826
Family Relations Courthouse**

Item 2. Print your full name, mailing address and telephone number. This address and telephone number will be provided to the other party. If you are concerned about your safety, you may use a P.O. Box, a friend or relative’s mailing address or the Confidential Address Program offered by the Secretary of State. It is essential that you provide a reliable mailing address to ensure that you will be notified of important events in your case.

Do not date the form. The court will do so when you file your papers.



Further down, after the statement “Notice to the person served,” check the appropriate box. In most cases you will check **Box a**, that the other party is being served as an individual.

Take a moment to read the Warning and the Standard Family Law Restraining Orders on the back of the Summons. These Restraining Orders are very important and apply to both parties. They apply to you when the forms are filed and they apply to your spouse once they have been properly served.

Completing the Petition, form FL-100

In the top left box of the document print your full name, mailing address and telephone number. In the space next to "ATTORNEY FOR" print “In Pro Per.” This means that you are acting as your own attorney in this case.

In the second box down, the court’s name and address may already appear. If not, print the following information:

**County of Sacramento
3341 Power Inn Road
Sacramento, CA 95826
Family Relations Courthouse**

In the third box down next to the word “Petitioner” print your full name and next to the word “Respondent” print your spouse’s full name. Throughout this case, you will be called the Petitioner and your spouse will be called the Respondent.

In the fourth box down, you will see the words “Petition For.” Check the box for the type of marital action you are seeking.

If you want a divorce but neither of you has met the 6-months-in-California and 3-months-in-the-county residency requirement, then you may request a Legal Separation and later amend your Petition to request a Dissolution of Marriage once you have satisfied the residency requirement. This can be done by printing next to the boxes for the type of case the following words: “Will Amend to Dissolution Upon Satisfaction of Residency Requirement.”

Item 1: Residence. If you are filing for dissolution of marriage, check the box to show whether Petitioner, Respondent or both satisfy the residency requirement of 6 months in California and 3 months in the county. You should not check these boxes if you are seeking legal separation or nullity.

Item 2: Statistical Facts.

Item 2a asks for the date of your marriage.

Item 2b asks for the date of your separation, which is the date either party decided the marriage was over and acted accordingly. Consider this date carefully, as it can affect property division and spousal support.



Item 2c. Print the time period - expressed in years and months - between the date of marriage and the date of separation that you provided in *items a* and *b*. This is considered the “duration” of your marriage.

Item 3: Minor Children.

Check box 3a if there are no minor children born to or adopted by you and your spouse during your marriage.

Check box 3b if there are minor children of the marriage, including biological and adopted children, but not including stepchildren. Print the children’s names, birth dates, ages and sex in the appropriate space.

Item 3d, check the box if there is a minor child born before the date of the marriage and if both parents signed a Voluntary Declaration of Paternity form regarding that child. If you check the box, attach a copy of the Voluntary Declaration of Paternity form. A copy can be obtained from the Department of Child Support Services. The Voluntary Declaration of Paternity form is important because it establishes paternity, which is necessary before other orders can be made regarding a child born prior to the parents’ marriage.

Item 4: Separate Property. Separate property is defined as any assets or debts acquired before the date of the marriage and after the date of separation, or acquired by gift or inheritance. If you want any items of property confirmed as the separate asset or debt of either you or your spouse, check *item 4*, list each item and indicate to whom it is to be confirmed. Do not list here any joint assets or debts that you and your spouse have divided between you informally. Until you receive the final judgment confirming your division, the items acquired during marriage continue to be “community property,” and should be listed under *Item 5*. If you need additional space to list separate assets and debts, you may attach a page and label it “Attachment 4.” You may want to use form FL-160 Property Declaration, as your separate property declaration. If you use either of these attachments, check the appropriate box and attach the form to your Petition. If there is no separate property to confirm to either spouse, then leave this section blank.

In the bar at the top of page two, print your last name followed by your first name and your spouse's first name. If your spouse's last name is different than yours simply print it like you did your name.

Item 5: Community Property. Community property is defined as assets or debts acquired between the date of marriage and the date of separation, except for gifts or inheritances to one spouse. Community property can be acquired in either or both spouse’s names. So, for example, even if you kept separate bank accounts during marriage, any earnings from employment during marriage that were deposited into those accounts are community property. Of course, if you signed a pre- or post-nuptial agreement with your spouse regarding your property rights, you will need to look at that agreement to see how your rights may have been altered.

Check box 5a if there are no community assets or debts for the court to divide. Be aware that the court can only issue orders regarding assets or debts that you list. If an asset or debt is not included, your spouse may be able to have your judgment set aside later so the court can divide the item in question.



Check box 5b if you have community assets or debts, then list the community assets and debts below. At this stage you need only list the community property. You do not need to propose a division of property now. Some items like houses may have both community and separate property components.

In that case, you may list the item as both separate and community property. Be sure to list all major items individually, including: cars, bank accounts, 401k, pension plans, stocks, and things of special importance to you. If you need additional space, you may attach an additional page labeled "Attachment 5b." You may want to use form FL-160 Property Declaration as your attachment for community property. If you are using an attachment, check the appropriate box.

Also be aware that you should list all assets and debts that both you and your spouse should be awarded. If you list only the items that you want awarded to you, then the court may have no choice but to divide those items equally between both of you.

Before you submit your Petition to the court for filing, you may wish to seek legal advice about your property rights. The law regarding community and separate property is very complex, and what you put on your Petition now may affect your rights later. The Family Law Facilitator's Office is not permitted to advise you about what you should claim as community or separate property. A consultation with a private attorney is recommended if you have any questions about your rights.

Item 6: Petitioner Requests. In this section, you will indicate again whether you are seeking a dissolution of marriage, legal separation or a nullity of marriage. Check box 6a, 6b, 6c or 6d for the option that applies to you. You also need to indicate the grounds for your marital action in this section.

For Dissolution of Marriage or Legal Separation in California, there are only 2 legal grounds. The first is "irreconcilable differences," meaning the marriage cannot be saved. The other reason is "incurable insanity" which, unlike irreconcilable differences, must be proven. Only check the box for "incurable insanity" if you will be able to prove it in court. If you want to use irreconcilable differences as the reason to dissolve your marriage, mark box 6a(1). If you want to use irreconcilable differences as the reason for legal separation, mark box 6b(1).

If you are seeking a nullity of marriage, you should check the box in section 6c or 6d that identifies the grounds for your nullity. You will need to prove in a court hearing that your marriage satisfies one of these grounds. These grounds are limited to the items listed.

If you qualify for a nullity of marriage based on one of these grounds, please check the appropriate box. If you checked the box for nullity on the front page, but now realize that you do not qualify for nullity, be sure to change the box on the front page.

Item 7. In this section you are asking the court to make orders about specific issues relating to your marriage. Please pay close attention to this section because errors here may necessitate an amended petition later.

Sections 7a through 7d relate to minor children of the marriage. If you do not have minor children with your spouse, skip to *item 7e*. If you have minor children with your spouse, you must indicate what type of custody you are seeking. Before you propose a custody arrangement, you may want to seek legal advice about the effects of the plan on the ability of the parents to relocate with the child, your tax filing status, exemptions and other important matters.



Item 7a, Legal custody. In short, legal custody determines which parent will make decisions concerning the child's health, safety, education and welfare. Joint legal custody means both parents should cooperate in decision-making, but that either parent has the power to make decisions alone, unless there is an agreement or order that some decisions must be made with consent of both parents. Sole legal custody means only one parent can make decisions. Check the appropriate box at 7(a) for your choice of legal custody to one parent or joint legal custody to both parents.

Item 7b, Physical custody. Physical custody determines where the child will reside. Sole physical custody means the child lives with one parent and may or may not visit the other parent. Joint physical custody means the child resides with both parents. In the case of joint physical custody, if one parent will have the child more than half of the time, then that parent can be labeled the "primary custodial parent" for tax and other purposes.

If you choose joint physical custody, you can print on the line beside the boxes "primary to Mother" or "primary to Father" if that applies.

If you want both parents to have equal time with the child, you can print on the line "equal timeshare." Be aware that the equal timeshare option may complicate your tax filing status and exemptions, so you should seek advice about how to handle your tax returns if you share equal physical custody with the other parent.

Item 7c, Child Visitation. Here you should propose a visitation or parenting plan describing when the child should be with which parent. The visitation plan is an extremely important part of this form and its completion should be handled with care.

Check the box at *Item 7c* to indicate who should have the visitation or parenting time with the child. If you wish to provide the Court additional information about your request, you may do so using form FL-311 (used to detail your proposed visitation schedule), FL-312 (used to prevent a possible child abduction), FL-341(C) (used to detail your proposed holiday visitation schedule), FL-341(D) (used to request parental communication on issues related to the child(ren)), FL-341(E) (used if you have requested joint legal custody) or a separate sheet of paper which you will label "Attachment 7c." If you complete one of more of these forms, check the box after the words "As requested in form" for the form that you used and attach that form to your Petition.

Item 7d: Parentage Determination. If you and your spouse have a minor child who was born before the date of the marriage, paternity by the husband is not presumed. Check *box 7d* to have the court establish or determine paternity in that event.

Item 7e: Attorneys Fees and Costs. Attorney fees are applicable if you plan to hire an Attorney. When you file your Petition, you will be asked to pay a filing fee. If you want the other party to pay or share these expenses, you may check the box for Respondent at *Item 7e*.

Item 7f: Spousal support. This section deals with spousal support, which means financial assistance for a spouse – not children. There are many factors that affect whether spousal support can be ordered, and for how long. Some factors include the length of the marriage, whether the supported spouse has marketable skills and whether there have been periods of unemployment to raise the children of the marriage.



Item 7f is used to request spousal support payable now or reserved for later. If you do not want spousal support now or later, then leave *Item 7f* blank. If you would like to pay or receive spousal support now, then check the appropriate box so that it reads “Spousal support payable to Petitioner”, for example. If instead you want to reserve the option of spousal support for later, then print on the dotted line at *Item 7f* the words “Reserve for” and then check the box(es) indicating who should have the right to receive spousal support at a later date if needed.

Item 7g allows you to request that the court terminate forever your spouse’s rights to receive spousal support from you. Check this box if you wish to ask the court to forever terminate any rights your spouse may have to receive spousal support from you.

Item 7h, Property Rights. If you listed any assets or debts in *Item 4* or *Item 5* earlier, check this box to give the court the ability to divide your property and debts if you and your spouse do not reach a full agreement.

Item 7i, Name Restoration. If you want to have your former name restored, check *Box 7i*. Print the name you want restored after the word “specify.” Print the full name -- first, middle and last name -- that you want restored. You may not ask to restore the former name of your spouse. That is only for your spouse to request.

Item 7j, Other Relief. This item is rarely used. If you have another issue – except for child support, which is discussed below – you may print your request here.

Item 8, Child Support. This item informs you about Child Support. The court may make orders for support of the children and issue a wage assignment. There are no boxes to check for child support.

Item 9 Standard Family Law Restraining Orders, confirms that you have read the restraining orders on the back of the Summons, and understand they apply to you when this Petition is filed.

In the space marked “Date” below *Item 9*, print today’s date. Print your name on the line that says “Type or Print Name,” and sign on the line to the right, where it says “Signature of Petitioner.”

Completing the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), form FL-105/GC-120

Do not complete this form if you have no minor children with your spouse. If there are no minor children involved in your case, then you may skip this form.

The purpose of the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act is to inform the court where the child has lived in the last 5 years or since the birth (if your child is under 5 years old), and whether the child has been the subject of other court cases concerning custody. It also requests information as to other people who seek custody or visitation rights with the children.

At the top of the page, print your name, mailing address, and telephone number.



In the second box down, the court's name and address should be typed. If not, please print the name and address of the court in the space provided.

**County of Sacramento
3341 Power Inn Road
Sacramento 95826
Family Relations Courthouse**

In the third box down next to the word "Petitioner" print your full name and next to the word "Respondent" print your spouse's full name.

The fourth box down applies to guardianship cases only. Leave it blank.

Item 1 states that you are a party in this case.

Item 2. Check the box if your address is confidential if there are allegations of domestic violence or child abuse and you are using a mailing address other than your physical address.

Item 3. Print the number of minor children of this marriage. Include any children of this relationship that were born prior to the marriage or were adopted by you and your spouse.

Box (a). If there is more than one child of this marriage, start with the oldest child. Fill in the child's full name, city and state of birth, date of birth and sex.

Under "period of residence", provide the time period the child lived at each address during the last 5 years, or to the child's date of birth if less than 5 years old. The first line is for the current information, so print the date that the child moved into the home where your child now resides.

In the next box to the right, print the address where the child resides or resided, during the time periods entered on the left – or as much of it as you know, such as the city, county and/or state. If you do not know the address, print "unknown" in the space. If the address is confidential, you may check the box provided.

In the next box to the right, print the name of the person with whom the child is living, followed by the relationship of that person to the child -- for example, "mother" "father" or "parents." If the child is living with someone other than a parent, be sure to provide that person's name and address.

In the last box to your right print the relationship of that person to the child – "mother," "father," "parents," or "grandmother."

On the next line down, provide all of the information requested relating to the child's previous residence(s). Be sure to indicate the dates the child moved into and out of that address. Continue on separate lines for each address.

To better understand how to fill in the Period of Residence portion of the form, you may find the following example helpful. Suppose your child moved to his current residence in January 1999. You would fill in that date on the first line so that it reads "January 2007 to present". Then you would go to the second line and fill in "January 2007" after the word "to," because this is also the last date the child



resided at his previous address. Then you would back up and fill in the date the child moved into that address so that the second line reads, “May 2006 to January 2007.”

This form can also be confusing when the child has lived with both parents. It is acceptable to list both parents’ names in the section for “Person Child Lived With” for periods of time you lived together as a family. Also, when both parents share custody of the child in two different homes, you can show this by completing two lines for the same periods of residency and by listing the parents’ names and the different address of each parent in the address box.

Box b further down the page needs to be completed if there is more than one child. If the residence information is the same as the first child, check the box below the child’s name that says, “Residence information is the same as given above for child a.” If the information is not the same, provide the new information.

If there have been more addresses for the child(ren) than will fit in the boxes provided, check *box c* and attach an additional page labeled “Additional Residence Information.” Use this additional page to list all other addresses for the past five years in the same way you listed the most recent addresses.

If there are more than two children *check Box d* located at the bottom of the form and complete and attach form FL-105(A). Use this form to list the same information for the additional children as was included for the first two children.

In the bar at the top of page two where it says “Short Title,” print your last name followed by your first name and your spouse’s first name. If your spouse’s last name is different than yours simply print it like you did your name.

Item 4 asks whether you have information about, or have you been a party or witness in a case in California or elsewhere, concerning custody of the child(ren) involved in this case? This includes family law, guardianships and juvenile dependency cases. If not, check the box for No. If you do know of a case, check the box for Yes, and provide the information requested about that case under the appropriate case type.

Item 5 asks if one or more domestic violence restraining/protective orders are now in effect. If not, leave this item blank. If you do know that such orders are in effect, check the box next to item 5 and then check the box next to the type of case in which the restraining order was issued and provide the information requested. If you have a copy of the orders, attach them.

Item 6 asks if there is anyone who is not a party to the case who has physical custody or claims to have custody or visitation rights with any child in this case. If not, check the box for No. If you do know of a non-parent seeking custody or visitation rights, check the box for Yes and provide the information requested about that person in *items a, b and c*.

At the bottom left of the form, print today’s date next to the word “Date.” Print your name on the line below the date and sign your name on the line to the right.

Item 7: If you completed any additional pages or form FL-105(A), check the box next to 7 and print the number of pages you are attaching on the line.



Filing the Forms

At this point you are ready to prepare your forms for filing with the court.

1. Making Copies

First, you will need two (2) copies - plus the originals - of the documents you have just completed, including the:

- Summons
- Petition
- Declaration Under Uniform Child Custody Jurisdiction And Enforcement Act (if applicable)

* Note that you should make an extra set of copies if you are going to ask a Sheriff or correctional facility to serve papers on your spouse.

2. Filing Forms with the Family Law Filing Clerk

When you are ready to file your forms, you will take all of the forms you have completed and the copies to Family Law filing in Room 100. You must obtain a number from the Information Booth in order to file your documents in person.

The court also has a drop box that is located on the left hand side of Room 113's front doors. If documents are appropriately completed they will be filed with the same date as the received date. Be sure to attach a self-addressed envelope with enough postage to return the filed copies back to you. Hours of the drop box are 7:30 a.m. through 5:00 p.m.

If you wish to file by mail, be sure to enclose a self-addressed envelope with enough postage to return the filed copies back to you.

At the time of filing, the clerk will ask you for your initial filing fees. This can be paid by check, cash, cashier's check, money order and credit card (excluding Discover). If you cannot afford the filing fees, and you qualify, you may submit a completed Request to Waive Court Fees (FW-001) and Order on Court Fee Waiver (FW-003) to ask that you not be required to pay filing fees. In order to qualify for a fee waiver you must receive a qualifying type of public assistance or fall within the low-income guidelines, which are described in the fee waiver packet.

After paying your filing fee or obtaining a fee waiver the clerk will issue a case number, stamp this number on your forms and place your original Summons, Petition and Declaration Under Uniform Child Custody Jurisdiction And Enforcement Act (if any) inside the new court file. The clerk will file stamp and return the copies to you.

When you leave the family law filing counter you will have the following packets:

- Filing For a Dissolution of Marriage, Legal Separation or Nullity (Step 2) packet with one set of copies of the forms you completed;



- Documents to be Served on your Spouse Packet with one set of copies of the forms you completed. These documents will not need to be completed or filed by you, but you are required to have them served on your spouse. This packet contains the following forms:
 - Response (leave blank), form FL-120
 - Declaration Under Uniform Child Custody Jurisdiction And Enforcement Act (if you completed one; leave blank), form FL-105
 - Proof of Service by Mail (leave blank), form FL-335

To proceed with your Dissolution of Marriage, Legal Separation or Nullity, you will need to follow the instructions and complete the forms provided to you in the step 2 packet.

SUMMONS (Family Law)**CITACIÓN (Derecho familiar)****NOTICE TO RESPONDENT (Name):****AVISO AL DEMANDADO (Nombre):**FOR COURT USE ONLY
(SÓLO PARA USO DE LA CORTE)**You are being sued. Lo están demandando.****Petitioner's name is:****Nombre del demandante:**

CASE NUMBER (NÚMERO DE CASO):

You have **30 calendar days** after this *Summons* and *Petition* are served on you to file a *Response* (form FL-120 or FL-123) at the court and have a copy served on the petitioner. A letter or phone call will not protect you.

If you do not file your *Response* on time, the court may make orders affecting your marriage or domestic partnership, your property, and custody of your children. You may be ordered to pay support and attorney fees and costs. If you cannot pay the filing fee, ask the clerk for a fee waiver form.

If you want legal advice, contact a lawyer immediately. You can get information about finding lawyers at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), at the California Legal Services Web site (www.lawhelpcalifornia.org), or by contacting your local county bar association.

Tiene 30 días corridos después de haber recibido la entrega legal de esta Citación y Petición para presentar una Respuesta (formulario FL-120 ó FL-123) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica no basta para protegerlo.

Si no presenta su Respuesta a tiempo, la corte puede dar órdenes que afecten su matrimonio o pareja de hecho, sus bienes y la custodia de sus hijos. La corte también le puede ordenar que pague manutención, y honorarios y costos legales. Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas.

Si desea obtener asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar a un abogado en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en el sitio Web de los Servicios Legales de California (www.lawhelpcalifornia.org) o poniéndose en contacto con el colegio de abogados de su condado.

NOTICE: The restraining orders on page 2 are effective against both spouses or domestic partners until the petition is dismissed, a judgment is entered, or the court makes further orders. These orders are enforceable anywhere in California by any law enforcement officer who has received or seen a copy of them.

AVISO: Las órdenes de restricción que figuran en la página 2 valen para ambos cónyuges o pareja de hecho hasta que se despida la petición, se emita un fallo o la corte dé otras órdenes. Cualquier autoridad de la ley que haya recibido o visto una copia de estas órdenes puede hacerlas acatar en cualquier lugar de California.

NOTE: If a judgment or support order is entered, the court may order you to pay all or part of the fees and costs that the court waived for yourself or for the other party. If this happens, the party ordered to pay fees shall be given notice and an opportunity to request a hearing to set aside the order to pay waived court fees.

AVISO: Si se emite un fallo u orden de manutención, la corte puede ordenar que usted pague parte de, o todas las cuotas y costos de la corte previamente exentas a petición de usted o de la otra parte. Si esto ocurre, la parte ordenada a pagar estas cuotas debe recibir aviso y la oportunidad de solicitar una audiencia para anular la orden de pagar las cuotas exentas.

1. The name and address of the court are (El nombre y dirección de la corte son):

2. The name, address, and telephone number of the petitioner's attorney, or the petitioner without an attorney, are:
(El nombre, dirección y número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son):

Date (Fecha):

Clerk, by (Secretario, por) _____, Deputy (Asistente)

[SEAL]

NOTICE TO THE PERSON SERVED: You are served**AVISO A LA PERSONA QUE RECIBIÓ LA ENTREGA:** Esta entrega se realiza

- a. ☐ as an individual. (a usted como individuo.)
- b. ☐ on behalf of respondent who is a (en nombre de un demandado que es):
- (1) ☐ minor (menor de edad)
- (2) ☐ ward or conservatee (dependiente de la corte o pupilo)
- (3) ☐ other (specify) (otro – especifique):

(Read the reverse for important information.) (Lea importante información al dorso.)

Page 1 of 2

WARNING—IMPORTANT INFORMATION

WARNING: California law provides that, for purposes of division of property upon dissolution of a marriage or domestic partnership or upon legal separation, property acquired by the parties during marriage or domestic partnership in joint form is presumed to be community property. If either party to this action should die before the jointly held community property is divided, the language in the deed that characterizes how title is held (i.e., joint tenancy, tenants in common, or community property) will be controlling, and not the community property presumption. You should consult your attorney if you want the community property presumption to be written into the recorded title to the property.

STANDARD FAMILY LAW RESTRAINING ORDERS

Starting immediately, you and your spouse or domestic partner are restrained from

1. Removing the minor child or children of the parties, if any, from the state without the prior written consent of the other party or an order of the court;
2. Cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties and their minor child or children;
3. Transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life; and
4. Creating a nonprobate transfer or modifying a nonprobate transfer in a manner that affects the disposition of property subject to the transfer, without the written consent of the other party or an order of the court. Before revocation of a nonprobate transfer can take effect or a right of survivorship to property can be eliminated, notice of the change must be filed and served on the other party.

You must notify each other of any proposed extraordinary expenditures at least five business days prior to incurring these extraordinary expenditures and account to the court for all extraordinary expenditures made after these restraining orders are effective. However, you may use community property, quasi-community property, or your own separate property to pay an attorney to help you or to pay court costs.

ADVERTENCIA – INFORMACIÓN IMPORTANTE

ADVERTENCIA: De acuerdo a la ley de California, las propiedades adquiridas por las partes durante su matrimonio o pareja de hecho en forma conjunta se consideran propiedad comunitaria para los fines de la división de bienes que ocurre cuando se produce una disolución o separación legal del matrimonio o pareja de hecho. Si cualquiera de las partes de este caso llega a fallecer antes de que se divida la propiedad comunitaria de tenencia conjunta, el destino de la misma quedará determinado por las cláusulas de la escritura correspondiente que describen su tenencia (por ej., tenencia conjunta, tenencia en común o propiedad comunitaria) y no por la presunción de propiedad comunitaria. Si quiere que la presunción comunitaria quede registrada en la escritura de la propiedad, debería consultar con un abogado.

ÓRDENES DE RESTRICCIÓN NORMALES DE DERECHO FAMILIAR

En forma inmediata, usted y su cónyuge o pareja de hecho tienen prohibido:

1. Llevarse del estado de California a los hijos menores de las partes, si los hubiera, sin el consentimiento previo por escrito de la otra parte o una orden de la corte;
2. Cobrar, pedir prestado, cancelar, transferir, deshacerse o cambiar el nombre de los beneficiarios de cualquier seguro u otro tipo de cobertura, tal como de vida, salud, vehículo y discapacidad, que tenga como beneficiario(s) a las partes y su(s) hijo(s) menor(es);
3. Transferir, gravar, hipotecar, ocultar o deshacerse de cualquier manera de cualquier propiedad, inmueble o personal, ya sea comunitaria, cuasicomunitaria o separada, sin el consentimiento escrito de la otra parte o una orden de la corte, con excepción las operaciones realizadas en el curso normal de actividades o para satisfacer las necesidades de la vida; y
4. Crear o modificar una transferencia no testamentaria de manera que afecte el destino de una propiedad sujeta a transferencia, sin el consentimiento por escrito de la otra parte o una orden de la corte. Antes de que se pueda eliminar la revocación de una transferencia no testamentaria, se debe presentar ante la corte un aviso del cambio y hacer una entrega legal de dicho aviso a la otra parte.

Cada parte tiene que notificar a la otra sobre cualquier gasto extraordinario propuesto, por lo menos cinco días laborales antes de realizarlo, y rendir cuenta a la corte de todos los gastos extraordinarios realizados después de que estas órdenes de restricción hayan entrado en vigencia. No obstante, puede usar propiedad comunitaria, cuasicomunitaria o suya separada para pagar a un abogado o para ayudarle a pagar los costos de la corte.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
MARRIAGE OF PETITIONER: RESPONDENT:	
PETITION FOR <input type="checkbox"/> Dissolution of Marriage <input type="checkbox"/> Legal Separation <input type="checkbox"/> Nullity of Marriage	
<input type="checkbox"/> AMENDED	CASE NUMBER:

1. RESIDENCE (Dissolution only) ☐ Petitioner ☐ Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition for Dissolution of Marriage*.

2. STATISTICAL FACTS

- a. Date of marriage: _____ c. Time from date of marriage to date of separation (specify):
 b. Date of separation: _____ Years: _____ Months: _____

3. DECLARATION REGARDING MINOR CHILDREN (include children of this relationship born prior to or during the marriage or adopted during the marriage):

- a. ☐ There are no minor children.
 b. ☐ The minor children are:

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>	<u>Sex</u>
---------------------	------------------	------------	------------

☐ Continued on Attachment 3b.

- c. If there are minor children of the Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.
 d. ☐ A completed voluntary declaration of paternity regarding minor children born to the Petitioner and Respondent prior to the marriage is attached.

4. SEPARATE PROPERTY

Petitioner requests that the assets and debts listed ☐ in *Property Declaration* (form FL-160) ☐ in Attachment 4
☐ below be confirmed as separate property.
Item Confirm to

NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child or spousal support.

MARRIAGE OF (last name, first name of parties): _____	CASE NUMBER: _____
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5. DECLARATION REGARDING COMMUNITY AND QUASI-COMMUNITY ASSETS AND DEBTS AS CURRENTLY KNOWN

- a. ☐ There are no such assets or debts subject to disposition by the court in this proceeding.
- b. ☐ All such assets and debts are listed ☐ in *Property Declaration* (form FL-160) ☐ in Attachment 5b.
☐ below (specify):

6. **Petitioner requests**

- | | |
|--|--|
| <p>a. <input type="checkbox"/> dissolution of the marriage based on</p> <p style="margin-left: 20px;">(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).)</p> <p style="margin-left: 20px;">(2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</p> <p>b. <input type="checkbox"/> legal separation of the parties based on</p> <p style="margin-left: 20px;">(1) <input type="checkbox"/> irreconcilable differences. (Fam. Code, § 2310(a).)</p> <p style="margin-left: 20px;">(2) <input type="checkbox"/> incurable insanity. (Fam. Code, § 2310(b).)</p> <p>c. <input type="checkbox"/> nullity of void marriage based on</p> <p style="margin-left: 20px;">(1) <input type="checkbox"/> incestuous marriage. (Fam. Code, § 2200.)</p> <p style="margin-left: 20px;">(2) <input type="checkbox"/> bigamous marriage. (Fam. Code, § 2201.)</p> | <p>d. <input type="checkbox"/> nullity of voidable marriage based on</p> <p style="margin-left: 20px;">(1) <input type="checkbox"/> petitioner's age at time of marriage. (Fam. Code, § 2210(a).)</p> <p style="margin-left: 20px;">(2) <input type="checkbox"/> prior existing marriage. (Fam. Code, § 2210(b).)</p> <p style="margin-left: 20px;">(3) <input type="checkbox"/> unsound mind. (Fam. Code, § 2210(c).)</p> <p style="margin-left: 20px;">(4) <input type="checkbox"/> fraud. (Fam. Code, § 2210(d).)</p> <p style="margin-left: 20px;">(5) <input type="checkbox"/> force. (Fam. Code, § 2210(e).)</p> <p style="margin-left: 20px;">(6) <input type="checkbox"/> physical incapacity. (Fam. Code, § 2210(f).)</p> |
|--|--|

7. **Petitioner requests** that the court grant the above relief and make injunctive (including restraining) and other orders as follows:

- | | Petitioner | Respondent | Joint | Other |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Child visitation be granted to | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| As requested in form: <input type="checkbox"/> FL-311 <input type="checkbox"/> FL-312 <input type="checkbox"/> FL-341(C) <input type="checkbox"/> FL-341(D) <input type="checkbox"/> FL-341(E) <input type="checkbox"/> Attachment 7c. | | | | |
| d. <input type="checkbox"/> Determination of parentage of any children born to the Petitioner and Respondent prior to the marriage. | <input type="checkbox"/> | <input type="checkbox"/> | | |
| e. Attorney fees and costs payable by | <input type="checkbox"/> | <input type="checkbox"/> | | |
| f. Spousal support payable to (earnings assignment will be issued) | <input type="checkbox"/> | <input type="checkbox"/> | | |
| g. <input type="checkbox"/> Terminate the court's jurisdiction (ability) to award spousal support to Respondent. | | | | |
| h. <input type="checkbox"/> Property rights be determined. | | | | |
| i. <input type="checkbox"/> Petitioner's former name be restored to (specify): | | | | |
| j. <input type="checkbox"/> Other (specify): | | | | |

☐ Continued on Attachment 7j.

8. **Child support**—If there are minor children born to or adopted by the Petitioner and Respondent before or during this marriage, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party. An earnings assignment may be issued without further notice. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.

9. **I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

<p>Date: _____</p> <p style="text-align: center;">(TYPE OR PRINT NAME)</p>	<p style="text-align: center;">▶</p> <p>_____</p> <p style="text-align: center;">(SIGNATURE OF PETITIONER)</p>
<p>Date: _____</p> <p style="text-align: center;">(TYPE OR PRINT NAME)</p>	<p style="text-align: center;">▶</p> <p>_____</p> <p style="text-align: center;">(SIGNATURE OF ATTORNEY FOR PETITIONER)</p>

NOTICE: Dissolution or legal separation may automatically cancel the rights of a spouse under the other spouse's will, trust, retirement plan, power of attorney, pay on death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a spouse as beneficiary of the other spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports to determine whether they should be changed or whether you should take any other actions. However, some changes may require the agreement of your spouse or a court order (see Family Code sections 231–235).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	CASE NUMBER:
PETITIONER: _____ (This section applies only to family law cases.) RESPONDENT: _____ OTHER PARTY: _____	
GUARDIANSHIP OF (Name): _____ (This section applies only to guardianship cases.) <div style="text-align: right;">Minor</div>	
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)	

1. I am a party to this proceeding to determine custody of a child.
2. ☐ My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in item 3.
3. There are (specify number): _____ minor children who are subject to this proceeding, as follows:
(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name	Place of birth	Date of birth	Sex
Period of residence <div style="text-align: right;">to present</div>	Address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential	Relationship
<div style="text-align: right;">to</div>	Child's residence (City, State)	Person child lived with (name and complete current address)	
<div style="text-align: right;">to</div>	Child's residence (City, State)	Person child lived with (name and complete current address)	
<div style="text-align: right;">to</div>	Child's residence (City, State)	Person child lived with (name and complete current address)	

b. Child's name	Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for child a. (If NOT the same, provide the information below.)			
Period of residence <div style="text-align: right;">to present</div>	Address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential	Relationship
<div style="text-align: right;">to</div>	Child's residence (City, State)	Person child lived with (name and complete current address)	
<div style="text-align: right;">to</div>	Child's residence (City, State)	Person child lived with (name and complete current address)	
<div style="text-align: right;">to</div>	Child's residence (City, State)	Person child lived with (name and complete current address)	

- c. ☐ Additional residence information for a child listed in item a or b is continued on attachment 3c.
- d. ☐ Additional children are listed on form FL-105(A)/GC-120(A). (Provide all requested information for additional children.)

SHORT TITLE: _____	CASE NUMBER: _____
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4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?

☐ Yes ☐ No (If yes, attach a copy of the orders (if you have one) and provide the following information):

Proceeding	Case number	Court (name, state, location)	Court order or judgment (date)	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court (name, state, location)
d. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency		
e. <input type="checkbox"/> Adoption		

5. ☐ One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State	Case number (if known)	Orders expire (date)
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case? ☐ Yes ☐ No (If yes, provide the following information):

<p>a. Name and address of person</p> <p><input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights</p> <p>Name of each child</p>	<p>b. Name and address of person</p> <p><input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights</p> <p>Name of each child</p>	<p>c. Name and address of person</p> <p><input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights</p> <p>Name of each child</p>
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

7. ☐ Number of pages attached: _____

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.